

THE DAILY HERALD.

Salt Lake City, Utah.

FRIDAY, FEBRUARY 18, 1887

SALT LAKE ORE MARKET.

Published daily by McCracken & Co., Bankers

SALT LAKE CITY FEBRUARY 17.	
SILVER.	
In New York.	101 1/2 per oz.
In Salt Lake.	95 1/2 per oz.
In London.	40 1/2 per oz.
LEAD.	
In New York.	\$1.40 per 100 lb.
In Salt Lake.	\$1.00 per ton

METEOROLOGICAL REPORT.

SALT LAKE CITY, February 17, 1887.
(Signal Service, U.S.A.)

Time of observation.	Barom.	Therm.	Humidity.	Direction and Force of Wind.	State of Weather.
5 a.m.	29.62	31.78	W	16	Light Snow.
1 p.m.	29.64	34.04	W	16	Light Snow.
5 p.m.	29.61	32.62	W	15	Fair.

Max. temp., 36; min. temp., 24.
Rainfall and melted snow, 0.46 inches.
W. M. A. KINGS, observer.
Signal Corps, U.S.A.

LOCAL BRIEFS.

ROSEDALE NEXT Tuesday.

WELLS, Fargo & Co.'s shipment yesterday was ore, \$8,800.

CONSIDERABLE local news matter will be found on the inside pages this morning.

THERE is to be a panorama exhibition at the Ninth Ward schoolhouse this evening.

AN ATTEMPTED highway robbery was reported from the vicinity of Beck's Hot Springs last evening.

THE BILL passed the House yesterday, and yet there was no justification, Alta Club spree—but, perhaps—

THE RESERVE sale for Rosedale, both mine and night, will not commence at the ticket office until Monday next.

THE OWNERS of sidewalks which compel people to take to the street in times of mud ought to repair them immediately.

MCCRACKEN & Co. received yesterday, Hanauer bullion, \$2,780; Dore bars, \$1,900; Crescent ore, \$2,190. Total value, \$9,870.

LET'S SEE. Was it a cold day when the power to appoint the small army of office-holders was taken from King Kaleb?

THE TELEGRAPH wires were down in several directions last night, and night editors and printers were demoralized in consequence.

DR. BENEDICT returned from the west last evening, with a very bad looking eye. He says Dr. Atkins' injuries are progressing favorably.

THE PARK CITY train failed to reach Ogden from the Park yesterday, and was forced to return. The Union Pacific train was on time.

THERE is a citizen of Salt Lake who hails from the parish of Llanfyllin, Llanfyllin, Anglesea, North Wales. The name remains in the old country.

ASSISTANT WATERMASTER Maycock is doing some excellent work among the water users of the eastern and southern portions of the city.

THE WARS were down east of Cheyenne last evening, and the meagre telegraphic report published this morning, came round by way of Helena, Montana.

THE CASE against Elbridge Tufts, charged with selling beer on the first day of the week, commonly called Sunday, will come up in the Police Court to-day at 3 o'clock.

THE FUNERAL services over the remains of the late Adam Brown, will be held in the Sixteenth Ward schoolhouse at 1 o'clock to-day. Friends of the family are cordially invited to attend.

THE DENVER & Rio Grande due here at 4:40 last evening, did not reach the city until after 12 o'clock. The delay was caused, it was said by a passenger, by a heavy snow storm encountered early yesterday morning.

WORD REACHED THE HERALD last evening from Lehi Junction, that a little girl about 13 years of age, living in the family of Sam. Low, conductor on the Salt Lake & Western, had committed suicide by poisoning herself. Names and further particulars were not obtainable.

THE HOR given last evening by the Amaranth Club at the Opera House, was a repetition of their former successes. This, the third of the series, was attended by about eighty couples, who seemed to enjoy the entertainment to the utmost. Dancing was continued well into the morning. Pedersen's band furnished excellent music. Rodney Hillam officiated as prompter.

THE FRIENDS of W. C. Owens, who has been "under the ban" for some time past, owing to his having been bound over with Barney Hughes on the charge of forgery, were loudly congratulating him yesterday on the Grand Jury having ignored the charge and exonerated his bondsman. Mr. Owens is of course greatly gratified at his vindication, and was around handshaking last evening.

THE MILWAUKEE & St. Paul have issued the following notices: The Western Passenger Association has agreed to return latter day Saints attending the meeting to be held at Willoughby, Ohio, April 27th, who pay full fare from the Missouri River to Chicago in going at one-third fare on certificate. Parties desiring to avail themselves of the reduction should obtain of our agent at Council Bluffs a receipt for the amount of fare they paid in going.

At All Seasons, the beverages concocted, whether in the winter, spring, summer or fall, are delicious, pure and superior. Full stock of spirituous, vinous and fermented liquors and choice cigars. Family trade a specialty. ALEX. & MARY, Proprietors.

Fire and Burglar proof safes are a great improvement over the old style. Call and see them at 25 West, Second South Street.

BEST desiccated Coconut at Culmer Bros., at 25 cents per pound.

A BUSY DAY.

E. T. Clark and Henry Grow Found Guilty.

THE COMPLETE TESTIMONY.

Schettler's Case Continued—The Grand Jury Ignore a Number of Cases—Other Notes

Yesterday was the busiest and most interesting day of the present term of court. There was not the same disposition on the part of the Mormons to rush up to the slaughter, and the two called for trial manifested a strange disposition to enter the lists with Dickson and fight for their rights. The first was

E. T. CLARK

of Farmington, and Mr. Dickson set to work to prove that that gentleman had cohabited with Mary Clark, Susan Clark and Nancy Clark as his wives between October 1st, 1883, and October 1st, 1884. The first witness called was the first wife, Mary, who testified as follows:

My home is at Farmington, Davis County; I have several children; know Nancy Clark; don't know where she is now, up north somewhere; I saw her a year ago, at meeting; the defendant lived at my house, in Farmington, in 1883; Nancy Clark left Farmington three years and eight months ago; I remember testifying before the Grand Jury; I made a mistake there in estimating the time; I have learned that since the man who rented the house is not here; I did not state the time positively to the Grand Jury; my recollection then was that she had gone two years and a half; this was in last September; when I considered the matter, I remember that it was more than three years; I did not think what I was saying; my son told the Grand Jury the correct time; I don't know Commissioner McKay; I testified when my husband was arrested; we all talked about it when we went home, and I learned my mistake; I know Nancy moved away three years and eight months ago; she left in June, I think; I am telling the truth; Nancy Clark was my husband's plural wife; I don't know what year it was; it was over three years ago; it was not as late as October; it was nearly September; she went to Goose Creek; in Farmington she lived across the street from me; she had four children, the youngest 23 or 24 years of age; she was married to my husband about twenty years ago; she never had any children by him; he never lived at the house; he was there part of the time, but never made his home with her; he lived with me most of the time; don't know where he was the remainder of the time; Susan Clark is the defendant's wife; she lived near Nancy's house; one of Nancy's children is at Kanab, one at Morgan, and one in the States; none of them are at Farmington; Nancy has been back two or three times, visiting her daughter; the first was nearly three years ago; she sometimes visits Susan's; she is recognized as my husband's wife; he goes to her house to see the boys; he changed his manner of living three or four years ago; her youngest child is 4 or 5 years old.

I B. CLARK testified—The defendant is my father; my mother's name is Mary; it is understood in the family that Nancy is my father's wife; I do not know where she is; I think she left four or five years ago; mother may have heard me state when Nancy left; I do not remember saying it was three years and eight months ago; I estimate the time from renting some property to the man who lived in Nancy's house, who was Henry Clark, an Englishman, who came to the country; the first four years ago; Nancy left in the fall, or fall; I don't think I told the Grand Jury what time it was; I told them I rented the house to Henry Clark over two years ago, and he lived in Aunt Nancy's house a year before that; the time of renting is what I base my estimate of the time on; I have not reckoned the time, and don't know it exactly; know it was over three years ago; I don't believe I testified as you say before the Grand Jury; I've about four years since Nancy moved away; I know Susan Clark; she is understood to be father's wife; I do not know whether he visits her house; I have seen him around the premises.

ANNA CLARK, daughter of Susan, testified: It is three or four years, four, I should say—since Nancy left. It is more than three.

Q—Isn't it two years ago last fall?

A—No, sir, it isn't.

Q—When was it?

A—I don't exactly remember; it's been so long a time. I know it was late in the fall, about September. I know fruit was ripe at the time.

Q—Your father visits your house some, in a friendly way, doesn't he?

A—Yes, on some occasions.

Q—And you visit your Aunt Mary's, don't you—you and your mother?

A—Yes, sir. He never took his meals at my mother's house that I can remember of, until 1880. He only ate there then when the hired man was there.

The witness grew very confused as to the dates of her father's visits, and asked whether the questions could not be confined to one point. She said her father called once or twice a week, and supported her mother.

Cross-examined—She said that in 1883-4 her father only called to direct the boys how to work; he never lived there. To Mr. Dickson she said her father had slept in the house years ago, but never in the new house. She grew so terribly confused that the reporters were lost in their efforts to follow her.

Mrs. STEPHAN CLARK, one of the wives, said she was married in 1861. I know Nancy Clark. She left there, I think, about four years ago. I remember of testifying before the Grand Jury. If I then said she removed a year and a half ago, I was mistaken; I think I then said I was not sure. My husband calls in once or twice a week to see the children. We still recognize each other as husband and wife.

Cross-examined—From October 1st, 1883, to October 1st, 1884, his calls were very infrequent. He never made his home there, and when he called he hardly ever sat down. He never slept there during that time. He ate there sometimes, while the men worked there. I never sat down to the table on these occasions. During that period he never lived with me as his wife.

To Mr. Dickson—I have sustained the relation of wife to him always, and I always hope to. Pressed on this point, witness manifested great reluctance.

Mr. Dickson asked whether she had not embraced defendant as her husband every year. She still misunderstood, and said she had no inclination to embrace him—if the age of her youngest child was wanted, he was 5 years old next March. Mr. Dickson asked then whether she had not been his wife in the fullest sense every year past. She answered first that he had never introduced her as his wife; next, that she felt herself to be a lawful wife, and she being pressed for a direct reply, said she didn't know whether he had or not. She was then released, and Mr. Dickson said that constituted his case.

The defense had nothing to offer, and the judge charged the jury. If they found that during the period named defendant associated with, or by his language or conduct recognized the women named or any two of them, he was guilty. Sexual intercourse was not necessary to be proven. The jury were only out a few minutes, when they returned with a verdict of guilty.

Sentence will be passed Monday next, HENRY GROW FOUND GUILTY.

Henry Grow, the well-known foreman of the Temple Block, whose second wife, Emily Sarah Rawlins, was recently arrested at fast meeting, next appeared for trial. The indictment charged him with having lived with his wife Julia and Miss Rawlins, from December 1st, 1882, to December 15th, 1885. All eleven members on the Grand Jury list were thrown aside as usual, and the case was proceeded with, the witnesses being excluded from the room.

MISS MAUD GROW testified—My mother's name is Julia M. Grow; Henry Grow is my father; we live in the Nineteenth Ward, Salt Lake City; mother has four children; I do not know Emily Sarah Rawlins; may have seen her; I am 13 years old; I think my father lived home in 1883 and 1884; I don't know he sometimes sleeps at the shop; don't know where he was in 1883 and 1884; he was home, I suppose; there were nights that he did not sleep at home.

ERNEST RAWLINS testified—Emily Sarah Rawlins is my sister; in 1882, 1883 and 1884, I do not know where she lived, except in the Nineteenth Ward; she was there from November, 1884, to May, 1885; Mr. Grow's granddaughter, Jennie Grow, lived there also; she was about 11 years old; I do not know who the house belongs to; my sister has no children; Emily was not living at home; she left ten or twelve years ago, and went to the Nineteenth Ward; since May, 1885, I do not know where she has lived; she has been away; I have known of her being at Mill Creek and other places; have seen her in the city; never met Mr. Grow in the house; never seen him around; he had men working there nearly all the time I was there; I never saw him at meals; he may have been at the house once or twice a week—I don't know; I never saw him there before or since I lived there; I do not know Julia M. Grow.

To Mr. Richards—When Mr. Grow called at the house he never staid more than a few minutes; I never saw him in the house; he came to attend to the workmen.

To Mr. Dickson—Work was going on most of the time; never saw the defendant there except when the workmen were.

MISS JENNIE GROW testified—The defendant is my grandfather; I live in Emily S. Rawlins' house; have seen her; I don't know how long she was there in 1883, 1884 and 1885; Miss Rawlins lived there; the defendant came there when men were working on the house; never saw him there at any other times; I do not remember just the times when the men were engaged there; they came several times; they were there two or three years ago; I do not remember just the time or how often; Ernest Rawlins lived there some time, but I do not know when; I do not remember Mr. Grow being in the house at that time; he sometimes called to see me, or bring letters; he never staid long or sat down in the house; he generally called in the morning and had not time to stay; never heard of Emily Sarah Rawlins; I don't know where she was; I have been married to the defendant seventeen years; live in the Nineteenth Ward, in my own home; it was conveyed to me in 1882; I have not tried to evade the process of the court; I went away because I felt like it; I was home part of the time from September, 1885, to October, 1889; I was away when the officers searched my house; Mr. Grow only came to my house when men were working there; he has not been there for some time; when my brother Ernest was there, the workmen were there, but I do not know for how long; at that time the defendant called there, but not to see me; he may have been once or twice a week; if he did, he came to bring letters to his granddaughter and to see the workmen; I did not see him all the time he came; I saw him very seldom; he has not stopped all night in the house during 1883, 1884 or 1885, or since; I didn't want him to; we agreed to separate in 1881; I have not met him as a husband since then; have not passed the night with him or sustained the relation of wife since; I do not know how often he called during the time named in the indictment; it might have been once a month; I don't know that I saw him that often; he came during the day time; I denied my identity to the officers because I did not want to go into court.

To Mr. Richards—In pursuance of our agreement, Mr. Grow conveyed to me my home, agreed to provide for me, and to finish the house, which was not then completed; I have not sustained the relation of wife to him since, nor regarded him as my husband.

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To Mr. Richards—In pursuance of our agreement, Mr. Grow conveyed to me my home, agreed to provide for me, and to finish the house, which was not then completed; I have not sustained the relation of wife to him since, nor regarded him as my husband.

To Mr. Dickson—I remember when I was subpoenaed in R. B. Young's case; we made the agreement in the Spring of 1882, because we had reason to believe the law would be enforced.

Mr. Dickson—Do you know of Mr. Grow having any other wife than yourself and Julia M. Grow?

Objected to by the defense as immaterial.

Overruled by the Court.

Witness, to Mr. Dickson—I know of no other wife.

MAUD GROW, a young girl, merely testified that her mother's oldest child was Theodore Grow, and that he was likewise the son of defendant.

JOHN N. PIKE—the defendant married my wife's sister, that is the only relationship between us; I have visited his house, but not during the years 1882, 1883, 1884 and 1885, more than once or twice; he has visited my house frequently; his wife Emily also visited my house, but they never came together; Mr. Grow's visits were not made oftener than once in six months; was that I meant when I said he visited me frequently.

Mrs. JESS PIKE was called, but

before examining her Mr. Dickson asked for a subpoena for John C. Young.

Mrs. PIKE, sister of Emily Sarah Rawlins, testified: I know where my sister lived in 1882, 1883, 1884 and 1885; it was on Centre Street; I know when John C. Young lived in that vicinity; I saw Mr. Grow at my sister's years ago; I went there once or twice a week, but have not seen him in her house for eight or ten years.

EMILY SARAH RAWLINS YOUNG, the somewhat celebrated wife of Royal B. Young, and another sister of Emily Rawlins, was called.

I visited my sister when she lived on Centre Street, sometimes about once a week; I lived there about ten years ago, and had seen him there then; I have not seen him there since that.

Mrs. DICKSON—That's the only witness except Mr. Young; I think he'll be here in a few minutes. A few minutes elapsed, however, and he did not arrive, and Mr. Dickson closed the case.

RICHARD JAMES was called for the defense. He testified: I have worked under the direction of Henry Grow several years on the Temple block; I have slept there in the shop, Mr. Grow has slept there too; this was during 1883, 1884 and 1885; I have seen him there many times.

Cross-examined—I commenced work on the block in 1874; have worked under Mr. Grow several of eight years; I slept in Mr. Grow's office, adjoining the carpenter shops; I slept there a week at a time, often—a kind of watchman; I suppose in the last three or four years I have slept there twelve or fourteen times.

Q—What were you sleeping there for?

A—Must I tell all that?

Mr. DICKSON—You must.

A—Well, as a kind of watchman, I say.

Q—to watch against what?

A—Well, here and various things. Sometimes I had to get up early in the morning; sometimes it was stormy, and I lived two miles distant; sometimes I was tired and wanted to retire at once.

Q—Didn't you ever stop there because you wanted to watch against something?

A—Well, I have relieved the watch sometimes.

Q—When did Grow commence sleeping there nights?

A—I can't say. I have found him there often. I can't say positively that I found him sleeping there before '83. I can't say how often I saw him there in '83. Once I can swear to. I wouldn't take my oath that he was there in '82 but I think he was. I saw him in bed frequently in '81; also in '85; also in '88. I don't know what he slept there for.

Mr. Richards said this was their case. Mr. Dickson addressed the jury, claiming that the defendant should be convicted, because he said the testimony showed Mr. Grow lived with his legal wife, yet he had visited his polygamous wife once a month. Had his children been sick and unable to come to him, or even had his polygamous wife been ill, there might have been some excuse for him, but there was nothing of the kind in this case. If he were allowed to visit his polygamous wife once a month, why not once a day, and if once a day why not a dozen times a day? Any one on the jury who, knowing that this defendant had a legal wife, saw him visiting his other wife, would at once say this man keeps up his polygamous association before the community. There could be nothing but totally abstaining from being seen under his unlawful wife's roof, that was what the law required. No hardship could apply. Let the man provide as generously as he would for the woman who had become involved in the meshes as he was himself—but let him keep away from her, unless there was urgent need for it. Suppose it were a Gentle who was on trial for adultery. Suppose it were known that he had a legal wife, and that at some time he had had a mistress, but had now cast her off. Suppose he were seen in the house of that mistress once a month, would the jury believe that his relations with her had ceased? The coming to see his granddaughter was a sham and a subterfuge; was there no other place he could keep his grand-daughter except with his unlawful wife? He referred to the contract, because he said the testimony of Ernest Rawlins and Jennie Grow, and to the fact that the second wife had long evaded the process of the courts.

MA. SUEKES—Where is the proof of that?

Mrs. DICKSON—The witness herself said she left her home just after the indictment was filed, and she did not return until nearly a year later, when she had been finally arrested. She had then told what was untrue, claiming that she was not the woman, Emily Sarah Rawlins. She had staid out of court as long as she could, when, unless she were an enemy to Mr. Grow, she would have been glad to come in and clear him with her testimony—if she knew he was innocent.

Mr. Richards asked that the following instructions be given to the jury:

First—You should find defendant not guilty unless you find from the evidence beyond a reasonable doubt that during the period mentioned the defendant lived or dwelt with the women named as his wives. To be guilty under the law the defendant must have cohabited with the women continuously for some period of time, a mere isolated act is not sufficient. He quoted the Snow decision in support of this.

Second—The fact that the defendant visited the house of his plural wife is not what the law presumes. Unless you find therefore that he actually cohabited with her in the relation of husband and wife, you must find him not guilty.

Mr. Richards contended that the act of the defendant had not constituted a crime. The law says he must be guilty of unlawful cohabitation with more than one woman, but the law does not say when a man and his plural wife cease living together there must be a public divorce. Who should say that the relationship between these two had not ceased? It had not been shown that the two were ever alone a moment in each other's society. Where was the proof of any holding out of Emily Rawlins as defendant's wife. Her own testimony was recited, and Mr. Richards claimed that there was nothing to controvert it. She testified that the relations had ceased; there was no going back of that.

Mr. Dickson combated the view taken by Mr. Richards of the Snow decision, and claimed that it had no bearing as claimed. He then closed to the jury, warning them that there was no more harshness in compelling a man to separate from his unlawful wife, than there was in compelling a man to separate from his mistress or stratagem. In the eyes of the law the offenses were the same.

The Jones delivered the usual charge, ignoring the requests made by the defense. He said in substance:

If you believe from the evidence that the defendant had a lawful wife living during the period mentioned in the indictment, and that during the same time he had another polygamous wife, or his conduct, and under circumstances that will show to the world that she was his wife, then you should find him guilty. The jury were only out ten minutes, when they returned with a verdict of guilty. March 1st was set as the time for imposing sentence.

OTHER CASES.

B. H. Schettler, cashier of Zion's Savings Bank, whose trial was set for yesterday, appeared in readiness, but on motion of Mr. Dickson the case was continued until the first week in March. The reason given for the application was that the alleged plural wife had not been found by the Marshal. If she was not found by the trial indicated he would ask a further postponement. The case was set for Monday, March 7th.

The case of the United States vs. John Cartwright, for unlawful cohabitation, was dismissed on motion of the District Attorney, who felt in doubt as to the strength of the evidence in the case. It must have been frightfully attenuated.

THE GRAND JURY REPORT.

During the day the Grand Jury filed into court and reported that they had found three indictments in Unit d States cases and four in Territorial cases. They also reported that the following cases had been ignored:

The United States vs. A. H. Raleigh; unlawful cohabitation.

The United States vs. Thomas Jeremy; unlawful cohabitation.

The United States vs. Daniel Corbett; unlawful cohabitation.

The People vs. Philip Faust; assault.

The People vs. W. C. Owen, forgery.

BONDS FORFEITED.

Levi North, John England and Henry Whitaker, three Mormons, who